

Art Unit 2623  
Serial No. 10/035,763

Reply to Office Action of: July 26, 2006  
Attorney Docket No.: K35A0882

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REMARKS

REJECTION UNDER 35 USC § 103

The examiner rejected claims 1, 2, 5 and 7-10 under 35 USC §103(a) as unpatentable over Schlarb (US 2004/0078823) in view of Haddad (US 6,072,982). Applicants respectfully disagree with the characterization of the references in the Office Action and with the rejection of original Claims 1, 2, 5 and 7-10 for the reasons set forth in the previous Response. Nevertheless, to expedite the issuance of the pending claims, Applicants have amended Claim 1.

Regarding claim 1, neither Schlarb nor Haddad discloses or suggests a program receiver determining a potential transmission time of a pay per view program to be received by the program receiver based on a plurality of transmission times in a schedule of pay per view programs. In contrast, Schlarb teaches an end user determining the transmission time of a program by selecting the program from a program guide (see paragraphs [00016]), and Haddad teaches a program provider or "Distribution Center 100" determining the transmission time of a program (see FIG. 1 and col. 7, line 25 to col. 8, line 38). For at least these reasons, the rejection should be withdrawn.

The examiner rejected claims 3 and 4 under 35 USC §103(a) as unpatentable over Schlarb in view of Haddad and further in view of Schultheiss (US 6,545,722). The applicant believes the amended claims overcome these rejections for many of the same reasons discussed above, and respectfully disagrees with the rejections for additional reasons discussed below.

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Regarding claim 3, neither Schlarb nor Haddad nor Schultheiss discloses or suggests that if no programs are scheduled to be recorded during the potential transmission time, at the predetermined time period prior to the potential transmission time:

- (1) displaying a change channel request to change to the associated transmission channel for the potential transmission time;
- (2) waiting a predetermined wait for response time for a response to the change channel request from the user;
- (3) if the response to the change channel request received from the user is positive, determining that the availability status of the content delivery path is available;
- (4) if the response to the change channel request received from the user is negative, determining that the availability status of the content delivery path is not available; and
- (5) if the response to the change channel request is not received from the user within the predetermined wait for response time for receiving the change channel request, determining that the availability status of the content delivery path is available.

Schultheiss discloses (col. 11, lines 5-13) to display a reminder message on the TV screen 5 minutes before the starting time of a program scheduled for recording. However, nowhere does Schulthesis disclose or suggest to display a change channel request to change to the associated transmission channel for a potential transmission time of a pay per view program. In contrast, Schulthesis discloses that the system "will automatically change channels one minute before the starting time of the events in the reminder list."

As part of the response to this argument, the Examiner in the last Office action asserts that "the Applicants accept that the reminder of Schultheiss waits a

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predetermined time for user input," satisfying (2) in the claim. However, Applicants disagree with this characterization of Applicants' previous remarks. Schultheiss discloses that the system will automatically change channels one minute before the starting time of the events in the reminder list, but Schultheiss does not disclose waiting a predetermined time for a response to the change channel request from the user. Indeed, Schultheiss does not teach or disclose any means for a user to respond to the disclosed reminder message. For at least these reasons, the rejection should be withdrawn.

The examiner rejected claim 6 under 35 USC §103(a) as unpatentable over Schlarb in view of Haddad and further in view of Yoshinobu (US 5,699,104). This rejection should be withdrawn for at least the reasons set forth above.

The examiner rejected claims 11, 14-16, and 18-21 under 35 USC §103(a) as unpatentable over Russo (US 6,025,868) in view of Shah-Nazaroff (US 6,157,377).

Regarding claim 11, the examiner concedes that Russo does not disclose or suggest selecting a potential transmission time from a plurality of transmission times corresponding to a selected pay per view program. Although Shah-Nazaroff teaches a schedule including a plurality of transmission times for a pay per view program, Shah-Nazaroff does not disclose or suggest a personal video recorder selecting a potential transmission time from the plurality of transmission times. In contrast, Shah-Nazaroff teaches a viewer selecting the potential transmission time from the plurality of transmission times (see col. 6, lines 15-30). Therefore, neither Russo nor Shah-Nazaroff, separately or in combination, discloses or suggests a personal video recorder

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selecting a potential transmission time from a plurality of transmission times. For at least these reasons, the rejection should be withdrawn.

Regarding claim 18, although Shah-Nazaroff teaches a schedule including a plurality of transmission times for a pay per view program, Shah-Nazaroff does not disclose or suggest a controller of a personal video recorder configured to select one of the plurality of transmission times. In contrast, Shah-Nazaroff teaches a viewer selecting the potential transmission time from the plurality of transmission times (see col. 6, lines 15-30). Therefore, neither Russo nor Shah-Nazaroff, separately or in combination, discloses or suggests a personal video recorder selecting a potential transmission time from a plurality of transmission times. For at least these reasons, the rejection should be withdrawn.

The examiner rejected claim 12 under 35 USC §103(a) as unpatentable over Russo (US 6,025,868) in view of Haddad (US 6,072,982) and Schultheiss (US 6,545,722). This rejection should be withdrawn for at least the reasons set forth above.

The examiner rejected claim 13 under 35 USC §103(a) as unpatentable over Russo (US 6,025,868) in view of Yoshinobu (US 5,699,104). This rejection should be withdrawn for at least the reasons set forth above.

The rejections of the remaining claims should be withdrawn for at least the reasons set forth above.

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### CONCLUSION

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: August 11, 2006

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